

Minutes (Draft)  
Scientific Advisory Committee  
Subcommittee on Familial Searches  
May 8, 2007 at 10:00 a.m.  
DFS Central Laboratory, Classroom 1

Subcommittee Members Present:

Dr. Frederick Bieber, Chair  
Mr. Dominic Denio  
Dr. Arthur Eisenberg  
Dr. Dan Krane  
Ms. Demris Lee

Staff Members Present:

Ms. Wanda Adkins, Office Manager  
Mr. Jeff Ban, Forensic Biology Section Chief  
Dr. David Barron, Central Laboratory Director  
Ms. Michele Gowdy, Department Counsel  
Ms. Meghan Kish, Committee Secretary  
Mr. George Li, CODIS Administrator  
Mr. Pete Marone, Department Director  
Ms. Elise Mirza, Policy Analyst

Call to Order:

Dr. Bieber called the meeting to order at 10:07 a.m.

Adoption of Agenda:

Dr. Bieber asked if there were any additions or corrections to the agenda. There were none, and the agenda was adopted by unanimous vote.

Welcome and Introduction:

Director Marone welcomed everyone present to the Subcommittee Meeting on Familial Searches. He expressed appreciation for the participation of the members, and applauded their commitment to assist the Department in exploring future endeavors in DNA technology. Although he acknowledged that the capability for Familial Searches of the DNA Data Bank were not yet in place, he stated that this meeting was one of the necessary steps in preparing for the time when the technology is in fact available.

Dr. Bieber agreed, noting that similar meetings in other jurisdictions will be taking place over the next few months.

47 Partial Profile Matching and Family Searching:

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49 To introduce the topic of Familial Searches, Dr. Bieber played the 60 Minutes video “A  
50 Not So Perfect Match,” which discusses partial matches within DNA data banks. After  
51 the video ended, he asked if anyone wished to discuss it. No one commented.

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53 Virginia Laws and Regulations relating to CODIS:

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55 Ms. Michele Gowdy, Department Counsel, presented the Virginia Statutes currently in  
56 place that relate to the DNA Databank, as well as the regulations drafted by the  
57 Department to govern the data bank. She began by discussing some milestones in the  
58 timeline of the data bank’s existence, and explained that Virginia’s data bank contains  
59 between 250,000 and 300,000 samples, from which roughly 4,000 hits have been made.

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61 She briefly summarized key parts of statutes, ranging from §19.2-310.2 through §19.2-  
62 310.7, and mentioned that §19.2-270.5 made DNA admissible in court proceedings,  
63 asserted that it was both reliable and scientific, and stated that it can prove or disprove  
64 identification.

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66 Ms. Gowdy also presented on the draft regulations currently being promulgated by the  
67 Department. These regulations, approved by the Board at its February meeting, establish  
68 the process for obtaining information from the data bank and the procedures for  
69 verification and authorization of persons requesting information from the data bank.

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71 Ms. Gowdy concluded her presentation by detailing House Bill 3034, passed by the  
72 General Assembly during their 2007 session. The bill, effective July 1, 2007, contains the  
73 “good faith” provision, requires DFS to compare databases with the Department of  
74 Corrections, and details that several entities along the way confirm that an offender’s  
75 sample is correctly included in the DNA data bank.

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77 She also mentioned that no inquiries have been received from Commonwealth’s  
78 Attorneys or law enforcement regarding familial searches, and suggested that perhaps  
79 they are not yet aware of them.

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81 Dr. Bieber asked Ms. Gowdy to confirm that no Virginia statutes expressly relate to  
82 familial searches. Ms. Gowdy stated that that was correct, that the possibility of familial  
83 searches was not on their minds at the time that these statutes were created. Discussion  
84 continued on the statutory provisions for partial match searches in Virginia, and  
85 expanded to include discussion of nationwide challenges to CODIS.

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87 CODIS Searching Procedures in Virginia:

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89 Dr. Bieber directed everyone’s attention to the CODIS bulletin, which was widely  
90 distributed last year. The bulletin, the result of an investigation by the Department of  
91 Justice, details an interim plan for the release of information in cases where a moderate  
92 stringency search yields a partial match that indicates a potential familial relationship.

93 The FBI left to each state the discretion on how to handle these partial matches. [ or The  
94 FBI's Interim Plan gives each state discretion with regards to sharing partial match  
95 information.] The floor opened for discussion of NDIS policy.  
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97 Dr. Krane indicated that he believed scientists are charged with developing the tools that  
98 can be used to perform such searches, but that society must ultimately decide whether or  
99 not these tools can be used. He suggested that perhaps the role of the subcommittee was  
100 to explore the statistical analyses that could be performed. Dr. Eisenberg disagreed,  
101 stating that the statistical tools have been in place for years, but that what these analyses  
102 indicate should be the main focus of discussion. Discussion followed.  
103

104 Mr. George Li, CODIS Administrator for DFS, presented on current CODIS capabilities,  
105 and how CODIS is currently being used by the Department to perform searches. He  
106 explained the difference between high, moderate, and low stringency searches, and  
107 responded to inquiries from subcommittee members. He reported that the Department  
108 currently performs high and moderate stringency searches, never low. Discussion  
109 continued regarding the benefits of the different levels of searching, and possible  
110 methods for revising the searches to improve results with regards to familial matches.  
111 After Mr. Li provided examples of comparisons and searches, the subcommittee  
112 discussed the relevance of kinship statistics and sibling indices, and the possibility of  
113 running Y-STR analyses to narrow results.  
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115 Break:  
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117 Dr. Bieber announced that the subcommittee would take a 10 minute break to get lunch.  
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119 Partial Profile Matching in Casework:  
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121 The Subcommittee meeting reconvened at 12:30 pm, with a presentation by Mr. Jeff Ban,  
122 the Department's DNA Section Chief. Mr. Ban gave examples of two situations in the  
123 past ten years in which familial relationships have played key roles in the forensic  
124 analysis. He explained that these cases are few and far between. Despite the policy in  
125 place that allows the Department to communicate to the investigator when a possible  
126 family relation may be involved with regards to a direct comparison case, no situations  
127 like this have arisen.  
128

129 Dr. Eisenberg inquired as to the possible usefulness of Y-STRs in the few cases that do  
130 come up. Discussion continued from there, including summaries of other states' current  
131 policies for partial profile information sharing, as well as DFS' time investment in hit  
132 disposition.  
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134 A Practical Approach to Familial Searches:  
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136 Dr. Krane presented on statistical analyses of pairs (related and unrelated) in individuals,  
137 using results from experiments with simulated scenarios. He asserted that two questions  
138 needed to be asked in order to analyze data for relationships: (1) what is the size of the

139 alternative suspect pool? and (2) what is an acceptable rate of false positives? There was  
140 lengthy discussion on who can answer those questions, and whether or not a general  
141 approach can even be taken or if a case-by-case approach is necessary.

142  
143 Dr. Eisenberg presented on the current status of familial searches within the U.S. today.  
144 He explained that studies are underway with CODIS, as well as private sector programs.  
145 He asserted that these studies are still in their beginning stages, and suggested that more  
146 will be known six months from now, when many of these studies are further underway.  
147 Dr. Eisenberg and Ms. Lee explained that their laboratories are involved in these pilot  
148 studies which are primarily for identification of missing persons.

149  
150 In response to discussion, Mr. Denio asked that Dr. Tom Callahan, the CODIS Program  
151 Manager at the FBI, address the committee on the current status, the issues facing, and  
152 the future state of CODIS at a future meeting, so that they may make an informed  
153 decision regarding what direction the Department should take. Dr. Bieber agreed.

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155 Discussion followed on some topics previously addressed, and further possibilities of  
156 statistical analysis were taken into account.

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158 Dr. Eisenberg made a motion to ask the Department to do a preliminary impact study to  
159 look at the cost/personnel/time involved in producing a Y-STR profile for male offender  
160 samples going into the Virginia Database from a given point forward. The motion was  
161 seconded by Mr. Denio. All were in favor and the motion passed.

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163 Mr. Denio made several suggestions, including that Virginia follow the lead of California  
164 and Texas in considering the private sector in the case that CODIS not allow for familial  
165 searches. He also asserted that any changes suggested by the Committee or Board must  
166 be able to withstand legislation. The subcommittee agreed that there must be a legal basis  
167 to all actions taken.

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169 Ethics and Policy Issues:

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171 Dr. Bieber asked the subcommittee to briefly consider the ethical aspect of familial  
172 searches. He explained that one of the biggest concerns, as voiced on the 60 Minutes  
173 report, although convicted felons lose rights when convicted and thus have to submit a  
174 sample for the data bank, innocent family members come under "genetic surveillance."  
175 Whether the invasion of privacy is an acceptable cost for the ability to solve more crimes  
176 was discussed.

177  
178 Dr. Bieber also inquired about the Report's other main concern, the question of placing  
179 certain racial groups under higher surveillance. He asked that the subcommittee consider  
180 these concern along with the other issues facing familial searches.

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182 Dr. Bieber concluded the discussions by asking if there were any further subcommittee  
183 recommendations to be made. There were none.

185     Selection of Future Meeting Dates:

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187     There was discussion of when the Subcommittee would meet again. It was ultimately the  
188     consensus that the Chairman of the Scientific Advisory Committee be consulted prior to  
189     scheduling any further meetings.

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191     Public Comment:

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193     There were none.

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195     Adjourn:

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197     The meeting adjourned at 2:58 p.m.

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